

30 March 1976

MEMORANDUM FOR: The Director

SUBJECT : Statutory Second Deputy

1. It is my understanding that you want the Deputy for the Community to be your principal Deputy, and to act for you in your absence. In routine matters, of course, he would act for you in your role as the President's senior intelligence advisor; the Deputy for the Agency would act for you as head of the Agency.

2. I have discussed this with [] and with [] Cary and [] Everyone understands what it is you want to do. There is a serious problem, however.

3. The Act of 1947 places the responsibilities to advise the NSC on intelligence activities, to make recommendations to the NSC for coordination of intelligence activities, and to correlate and evaluate intelligence, on the CIA, under "a Director of Central Intelligence who shall be the head thereof," and not directly on the DCI. (Congress did not address the existence of a Community to be coordinated.) To transfer any of these responsibilities out of the Agency and vest them in a new Deputy would require major revision of the Act. Unless that is done, there is no way that the Agency Deputy can be kept from acting for you in your absence, but there is considerable doubt that Congress would be willing to accept such a change or even to address it this year.

4. [] believes the bill should simply create a second Deputy and remain silent on which does what and which is the senior. This may be an out. If it could be done, you could, with the powers you now have, simply designate which will be senior. This would enable you to do what you want now and preserve for yourself or a successor maximum flexibility for the future, should circumstances change.

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Executive Registry
Room 7-E-12
Headquarters

5. I have asked the troops to work up some options and analyze difficulties inherent in each, for a discussion with you later in the week. These will include suggestion.

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RICHARD LEHMAN